

Appl. No. 09/738,807
Amdt. dated 07/29/2005
Reply to Office Action of 04/05/2005

REMARKS

This Amendment is in response to the Final Office Action mailed 04/05/2005. Applicant has filed a Request for Continued Examination to have the Office withdraw the finality of the Office Action and have this submission entered and considered. In the Office Action, the Examiner rejected claims 1-5 and 11-46 under 35 U.S.C. § 102, and rejected claims 6-10 under 35 U.S.C. § 103. Reconsideration in light of the amendments and remarks made herein is respectfully requested.

Examiner's Response to Arguments

The Examiner reconsidered applicant's arguments filed 1/20/2005 and continued to find them unpersuasive. Applicant has cancelled all outstanding claims 1-46 and presents new claims 47-69. Inasmuch as the new claims are directed to the same general subject matter, applicant respectfully submits the following general remarks regarding the Examiner's arguments in an effort to advance the prosecution of the present application.

The Examiner appears to argue that Arrow et al. (US 6,175,917) discloses sending management traffic over the VPN. The Examiner correctly observes that, "Arrow's VPN is operated on top of the public network." The Examiner later states, "As traffic is carried over the public network 100, then the traffic is likewise carried over the VPN as the VPN is operated over the public network." If the Examiner understands Arrow to disclose that all traffic on the public network is carried over a VPN that is operating on that public network, then applicant must respectfully but forcefully disagree. As discussed on pages 3-4 of the specification as filed, a VPN is a private data network that routes its traffic over a public network. See, for example,

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data links 423 in Figure 4 of the specification as filed. VPN traffic is part of the overall traffic being carried on the public network. Just as a disclosure that a truck uses a road would not disclose that good transported on the road are sent on the truck, neither does the disclosure that a VPN operates on a public network disclose that management traffic on the public network is sent over the VPN. Applicant respectfully requests that the Examiner point to a specific disclosure in Arrow that management traffic is sent over the VPN if the Examiner intends to use such reasoning in rejecting any of the newly presented claims.

Rejection Under 35 U.S.C. § 102

2. The Examiner rejects claims 1-5, 11-15, 16-21, 22-31, 32-41, and 42-46 under 35 U.S.C. § 102(e) as being anticipated by Arrow et al. (6,175,917).

Applicant has cancelled claims 1-5, 11-15, 16-21, 22-31, 32-41, and 42-46 and now presents new claims 47-51 and 56-69 directed to similar subject matter. Applicant respectfully submits that the newly presented claims are distinguished from the disclosure of Arrow by at least the following elements:

Arrow does not disclose a VPN configured for the network devices, routers 114, 124, 134. The routers disclosed by Arrow merely route VPN traffic; they are not the end recipients of VPN traffic.

Arrow does not disclose a source of management commands linked to the VPN. VPN management station 160 is a source of management commands but without a VPN unit between the VPN management station and the public network 100, the VPN management station has no ability to be linked to the VPN network. The VPN management station controls the VPN units

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through commands transmitted through the public network. Col. 6, lines 31-34. Applicant respectfully submits that nothing in Arrow discloses that the VPN management station makes any transmissions on a VPN.

Arrow does not disclose using the network device to forward management traffic to a management port of the network device through a VPN module. Arrow does not disclose a management port on any device and cannot therefore disclose forwarding management traffic to a management port.

Rejection Under 35 U.S.C. § 103

5. The Examiner rejects claims 6-10 under 35 U.S.C. § 103(a) as being unpatentable over Arrow et al. (6,175,917) in view of applicant's admitted prior art (APA).

Applicant has cancelled claims 6-10 and now presents new claims 52-55 directed to similar subject matter. Applicant respectfully submits that the newly presented claims are distinguished from the disclosure of Arrow in view APA because neither Arrow nor APA teaches or suggests, alone or in combination, a management VPN module coupled to the routing and forwarding module and to the management port, the management VPN module to provide management commands to the management port from a VPN to deliver management commands to the routing and forwarding module. Nor is there any motivation provided by Arrow or APA to modify either teaching to provide management commands to the management port from a VPN.

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Conclusion

Applicant reserves all rights with respect to the applicability of the doctrine of equivalents.

Applicant respectfully requests that a timely Notice of Allowance be issued in this case.

Respectfully submitted,

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Dated:

7/29/2005

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